

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Nationwide Number Portability)	WC Docket No. 17-244
)	
Numbering Policies for Modern)	WC Docket No. 13-97
Communications)	
)	

**REPLY COMMENTS OF
NCTA – THE INTERNET & TELEVISION ASSOCIATION**

NCTA – The Internet & Television Association (NCTA) appreciates the Commission’s examination into ways to enable consumers to maintain their telephone numbers when they move outside of a limited local area.¹ As the Commission notes, consumers’ ability to keep their phone numbers when they move locally, but to not necessarily be able to do so when they move long distance “confuses and inconveniences consumers, [and] harms the ability of small or regional carriers to compete, undermining a core principle of number portability – competition.”² Therefore, “mov[ing] toward complete nationwide number portability [will] promote competition between all service providers, regardless of size or type of service (wireline or wireless).”³ To remove barriers to the implementation of nationwide number portability (NNP), the Commission should adopt its proposal to forbear from the toll dialing parity obligations that apply to competitive local exchange carriers (LECs), but not to incumbent LECs. Furthermore, as more fully described below, the Commission should eliminate the N-1 query requirement,

¹ *Nationwide Number Portability; Numbering Policies for Modern Communications*, WC Docket Nos. 17-244 and 13-97, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 8034 (2017) (*NPRM*).

² *Id.* at 8035, ¶2.

³ *Id.* at 8035, ¶3.

which requires the penultimate carrier in a call path to query the number portability database, but it still should ensure that the necessary database queries continue to be performed.

I. THE COMMISSION SHOULD EXTEND INTEREXCHANGE DIALING PARITY FORBEARANCE TO COMPETITIVE LECs

In the *NPRM* the Commission proposes to forbear from the dialing parity provisions in Section 251 of the Communications Act, as amended, with respect to competitive LECs' provision of interexchange service.⁴ The Commission recognizes that incumbent LECs have benefitted from this relief since 2015, and that "the rationales behind the forbearance from the interexchange dialing parity requirements in the *2015 USTelecom Forbearance Order* apply similarly to both incumbent and competitive LECs."⁵ Furthermore, the Commission correctly states that "the remaining interexchange dialing parity requirements for competitive LECs are no longer necessary in today's all-distance market to ensure that the charges and practices of competitive LECs are just and reasonable and are not unjustly or unreasonably discriminatory, and are no longer necessary for the protection of consumers."⁶ Commenters overwhelmingly support the Commission's proposal.⁷ Therefore the Commission should adopt its proposal to forbear from the statutory dialing parity requirements and eliminate its associated rules with respect to interexchange service.⁸

⁴ *Id.* at 8042-45, ¶¶25-32.

⁵ *Id.* at 8043, ¶¶26-27 (citing *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks et al.*, WC Docket Nos. 14-192, 11-42, and 10-90, Memorandum Opinion and Order, 31 FCC Rcd 6157 (2015) (*2015 USTelecom Forbearance Order*)).

⁶ *NPRM*, 32 FCC Rcd at 8043, ¶27.

⁷ ATIS Comments at 4; CenturyLink Comments at 2; Cincinnati Bell Comments at 5-6; Comcast Comments at 3; GCI Comments at 13-14; INCOMPAS Comments at 4; USTelecom Comments at 3-4; VON Coalition Comments at 3; WTA Comments at 7.

⁸ The Commission also seeks comment on whether it should extend forbearance from the interexchange dialing parity rules to customers that have pre-existing stand-alone long distance carriers. *NPRM*, 32 FCC Rcd at 8045,

II. THE COMMISSION SHOULD ELIMINATE THE N-1 REQUIREMENT WHILE ENSURING THAT THE ORIGINATING CARRIER PERFORMS THE NECESSARY QUERIES

As part of the transition to nationwide number portability, the Commission seeks comment on eliminating the requirement that the N-1 carrier undertake the numbering database query.⁹ NCTA supports that proposal but shares the concerns of initial commenters that, in the event the N-1 query requirement is eliminated, the Commission ensure that the originating carrier (or a third party contracted by the originating carrier) performs the necessary database queries before the call is delivered to the network that is assigned the Central Office Code.¹⁰ Failure to do so could result in the inefficient or unsuccessful routing of calls.

The Commission also should defer elimination of the N-1 query requirement at least until the ongoing transition of management of the Number Portability Administration Center (NPAC) is complete.¹¹ As Comcast notes, “Waiting would ensure that the porting process is being carried out in a timely, reliable manner with the new Local Number Portability Administrator in place before the rules governing that process are modified.”¹²

¶¶33-34. These customers were grandfathered from the forbearance previously granted to the incumbent LECs and the Commission asks whether it should continue to grandfather these customers. As GCI notes in its comments, in some areas of Alaska customers rely on their ability to utilize stand-alone interexchange carriers as the sole option for long distance voice service. GCI Comments at 5-12. The Commission should take this into consideration before universally applying interexchange dialing parity forbearance to all subscribers of stand-alone long distance carriers.

⁹ *NPRM*, 32 FCC Rcd at 8041-42, ¶¶20-24.

¹⁰ ATIS Comments at 4; Comcast Comments at 4.

¹¹ Comcast Comments at 4-5.

¹² *Id.* at 4.

CONCLUSION

In moving toward the implementation of nationwide number portability, the Commission should immediately adopt its proposal to extend forbearance from interexchange dialing parity requirements to competitive LECs and eliminate the N-1 requirement, but should ensure that necessary queries will occur and that the NPAC transition has gone smoothly before eliminating the N-1 database query requirement.

Respectfully submitted,

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